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10 *Attorneys for Defendant and Cross-Defendant Executive Risk*
11 *Specialty Insurance Company*

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 LENSRAFTERS, INC., and EYEXAM OF
15 CALIFORNIA, INC.,

16 Plaintiffs,

17 v.

18 LIBERTY MUTUAL FIRE INSURANCE
COMPANY; EXECUTIVE RISK SPECIALTY
19 INSURANCE COMPANY; UNITED STATES
FIRE INSURANCE COMPANY; MARKEL
20 AMERICAN INSURANCE COMPANY and
WESTCHESTER FIRE INSURANCE
21 COMPANY,

22 Defendants.

23 AND RELATED CROSS-ACTIONS

No. C07-02853 SBA

[Related Case No. C 04-01001 SBA]

**STIPULATION AS TO DATE OF
SERVICE OF MARKEL AMERICAN
INSURANCE COMPANY'S CROSS-
COMPLAINT ON CROSS-
DEFENDANT EXECUTIVE RISK
SPECIALTY INSURANCE COMPANY**

24 WHEREAS, on July 27, 2007, Markel American Insurance Company ("Markel")
25 electronically filed a cross-complaint against, among others, cross-defendant Executive Risk
26 Specialty Insurance Company ("ERSIC");
27
28

1 WHEREAS, ERSIC had not appeared in this action as of the date the cross-complaint was
2 filed and so was not served electronically with Markel's cross-complaint, and has not been
3 formally served with the cross-complaint in any other manner;

4 WHEREAS, ERSIC has agreed to accept service of Markel's cross-complaint effective as
5 of August 15, 2007;

6 WHEREAS, pursuant to Fed. R. Civ. P. 12(a)(2), ERSIC's response to Markel's cross-
7 complaint is due September 4, 2007;

8 NOW THEREFORE, the Parties hereby STIPULATE that service of Markel's cross-
9 complaint is effective as of August 15, 2007, and ERSIC has to and including September 4, 2007
10 to answer or otherwise respond to Markel's cross-complaint.

11
12 Date: August 17, 2007

Respectfully submitted,

13 ROSS, DIXON & BELL, LLP

14 /s/ Terrence R. McInnis
15 Terrence R. McInnis

16 and

17 Monique M. Fuentes
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19 *Executive Risk Specialty Insurance Company*

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21 LONG & LEVIT

22
23 /s/ Irene K. Yesowitch
Irene K. Yesowitch

24 and

25 Chip Cox
26 *Attorneys for Defendant, Cross-complainant and*
27 *Cross-Defendant Markel American*
28 *Insurance Company*